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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 Arizona Cardinals Football Club, Inc., an
10 Arizona corporation; and National
11 Football League Management Council, a
12 non-profit association,

13 Plaintiffs,

14 vs.

15 Wendell Bryant, an unmarried man; and
16 National Football League Players
Association, a labor organization,

Defendants.

No. CV-08-01541-PHX-LOA

ORDER TO SHOW CAUSE

17 This matter arises on the Court's review of the file. Plaintiffs commenced this
18 action on or about August 20, 2008. (docket #1) On August 22, 2008, the Court issued a Notice
19 of Assignment and Order, docket #5, ordering Plaintiffs to file on or before September 12,
20 2008 their written elections to either consent to magistrate judge jurisdiction or elect to proceed
21 before a United States district judge. As of today's date, Plaintiffs have failed to file their
22 written elections to either consent to magistrate judge jurisdiction or elect to proceed before a
23 United States district judge.

24 Dismissal of a complaint for failure to comply with the procedural rules of the
25 court is within the court's discretion. *Original Ballet Russe, Ltd. v. Ballet Theatre, Inc.*, 133
26 F.2d 187, 188 (2nd Cir. 1943); *Sergio Bautista et al. v. Los Angeles County*, 216 F.3d 837 (9th
27 Cir. 2000). Moreover, district courts have the inherent power to control their dockets and, in
28 the exercise of that power, may impose sanctions including, where appropriate, dismissal of a

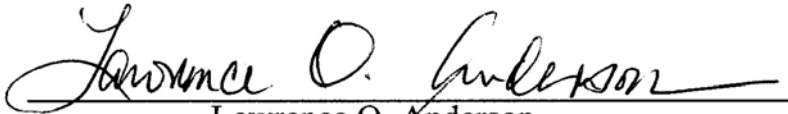
1 case. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). A dismissal for want of
2 prosecution under Rule 41(b) will stand unless it is an abuse of discretion. *Link v. Wabash R.R.*,
3 370 U.S. 626, 633 (1962); *Anderson v. Air West, Inc.*, 542 F.2d 522, 524 (9th Cir. 1976). Rule
4 41(b) specifically provides that the failure of the plaintiff to prosecute his or her claim is
5 grounds for involuntary dismissal of the action. *Anderson v. Air West, Inc.*, 542 F.2d at 524. The
6 courts have read this rule to require prosecution with “reasonable diligence” if a plaintiff is to
7 avoid dismissal. *Id.* (citing *Ballew v. Southern Pacific Co.*, 428 F.2d 787 (9th Cir. 1970)).

8 Because the period within which Plaintiffs were to file their written consents or
9 elections has passed, the Court orders Plaintiffs to show cause in writing **on or before Tuesday,**
10 **September 30, 2008** why their Complaint against Defendants Wendell Bryant and the National
11 Football League Players Association should not be dismissed for failure to comply with court
12 orders and failure to prosecute pursuant to Rule 41(b), FED.R.CIV.P. Plaintiffs may discharge
13 this OSC by complying with the Court’s August 22, 2008 Order **on or before Tuesday,**
14 **September 30, 2008.**

15 Accordingly,

16 **IT IS ORDERED** that Plaintiffs show cause in writing **on or before Tuesday,**
17 **September 30** why their claims against Defendants Wendell Bryant and the National Football
18 League Players Association should not be dismissed without prejudice for failure to comply
19 with this Court’s Orders and failure to prosecute pursuant to Rule 41(b), FED.R.CIV.P.

20 DATED this 17th day of September, 2008.

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23 Lawrence O. Anderson
24 United States Magistrate Judge
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